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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,503	03/04/2002	Kevin Allen Kieltyka	10541-453	6475

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EXAMINER

ORTIZ, ANGELA Y

ART UNIT PAPER NUMBER

1732

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/090,503

Applicant(s)

KIELTYKA ET AL.

Examiner

Angela Ortiz

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 3, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Munger et al., USP 5,902,533 (of record) for the reasons cited in the previous office action.

The cited reference teaches the claimed method of compression molding a substrate and injection molding a plastic part integrally attached to the substrate. The detailed method steps include providing a compression mold having a cavity, further provided with a smaller adjacent cavity including injection molding means. The injection means comprise a gate, runner, and means to supply resin into the injection cavity. First a substrate is heated and is placed within the compression cavity. The substrate is compression molded and integrally attached bracket is injection molded to the substrate. See col. 3, lines 15-45, and claims 1-14.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4, 5, 8, 9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munger et al., USP 5,902,533 in view of Baba et al., USP 5,804,117 (both of record) for the reasons cited in the previous office action.

The cited primary reference substantially teaches the basic claimed process of compression molding a substrate and injection molding a plastic part integrally attached to the substrate. The detailed method steps include providing a compression mold having a cavity, further provided with a smaller adjacent cavity including injection molding means. The injection means comprise a gate, runner, and means to supply resin into the injection cavity. First a substrate is heated and is placed within the compression cavity. The substrate is compression molded and integrally attached bracket is injection molded to the substrate. See col. 3, lines 15-45, and claims 1-14.

The cited primary reference does not set forth the claimed materials, temperature ranges, and claimed features of the injection molded portion.

The added secondary reference teaches as the conventional the feature of a polypropylene injection molded attachments onto a compression formed laminate, within a similar molding process. Note that the injection molded rib is formed in the corner of the final product and is made of polypropylene. See col. 5, line 25 to col. 2, line 45.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the materials disclosed in the added reference, when performing the process set forth in the primary reference, for molding equivalent product having the beneficial properties of the disclosed materials.

With respect to the claimed temperature ranges, note that both the added reference and the instant claims use the same plastic material; polypropylene has a limited range for processing parameters and it would have been obvious to one of ordinary skill in the art at the time the invention was made to so perform the process using the desired range for achieving the desired properties associated with polypropylene in injection molding methods.

With respect to claims 5 and 11-15, note that the injection molded rib portion is located in the corner of the product, and is deemed readable on the claimed bosses, and positioning features as claimed. See col. 5, lines 20-30; col. 7, lines 25-40. Note that the shape may be of any particular cross section at col. 7, lines 26-34; may be plural at col. 7, lines 24-25; and may be mounted on a door panel at col. 10, lines 35-55.

Note that the name given to the molded ribs does not impart patentability; nor does a recitation of the intended use. Note that such a recitation must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

***Response to Arguments***

Applicant's arguments filed 02 October 2003 have been fully considered but they are not persuasive.

Applicant argues that the applied reference to Munger et al., does not teach the claimed steps of "engaging the first (second) side of the substrate with the upper (lower) mold", and "compression molding the first side of the substrate such that the first side forms the outer surface of the trim part", or all of the features of claim 2, including providing a gate or surface runner.

Reconsideration has been given to the features argued, and it is deemed that the art teaches the argued limitations as set forth in the previous rejection. With respect to the open language of the claims, note that use of the word "comprising" does not preclude additional method steps. In USP 5,902,533, the cover stock 27 and sheet material 29 together form a laminate panel 23. At the point of complete mold closure, the laminate is formed and is readable on the claimed substrate. Note that the first side surface of the laminate includes the cover stock, which is engaged with the upper mold, and is compression molded to form an aesthetic covering, see col. 2, lines 32-49. The second side of the laminate includes the underside of sheet material 29, which contacts mold surface 9, and a bracket 25 is injection molded onto the laminate's second side. With respect to claim 2, note that injection mold 13 includes a nozzle 15, and that the injection mold adjoins the working surface 9 (see col. 3, lines 1-10). The injection mold also remains in fluid communication with the compression mold (see claim 1). The injection molded part is formed in the bracket mold 13 by injection of material from the

manifold 17, and contacts the surface of underside of sheet material 29. The point of joining includes surface contact, and is inherently a surface runner and gate as the nozzle directs plastic material through these means to the mold cavity.

Applicant argues the 103 rejection, indicating further that the Baba reference does not teach an attachment method to an interior of a vehicle, and that the combination does not teach an attachment surface along the periphery of a second side of the substrate.

With respect to the applicant's argument regarding the Baba reference not teaching an attachment method to an interior of a vehicle, note that this feature is not set forth in the claims as a manipulative step; nonetheless, the panel formed in Baba does have utility with vehicle interiors as demonstrated in figure 2 of the reference, and taught in col. 1, lines 5-30.

With respect to the argued feature of an attachment surface along the periphery of second side of a substrate, the Baba reference teaches the injection molding of a rib 7 onto a rear surface of a laminate panel 1, see col. 5, lines 8-21, and is molded onto the end of the elastic sheet. Note that rib 7 is injection molded onto elastic sheet 3, which is a composite substrate in the Baba reference; and in the Munger reference bracket 25 is injection molded onto panel 23, which comprises cover stock 27 and sheet 29 that together form a composite substrate. The definition of periphery includes the surface of a solid material, thus the molding of the rib or bracket as described above, is also molded onto the periphery of a substrate. Note that the Baba reference also teaches the injection molding of a rib 7 onto the end of the elastic sheet.

With respect to the new claims submitted, see the above rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-1206.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Angela Ortiz  
Primary Examiner  
Art Unit 1732

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